

**ROBERT MARINELLI**

ATTORNEY AT LAW  
305 BROADWAY, 9TH FLOOR  
NEW YORK, NEW YORK 10007  
(212) 822-1427  
Facsimile (212) 202-9646

February 16, 2016

**BY ECF**

Honorable Robert M. Levy  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Cooper v. City of New York, et al.*, 14-CV-1761 (RJD)(RML)

Dear Judge Levy:

I represent the Plaintiff in the above matter and I write to request that the relief requested in Plaintiffs' letter motion of January 28, 2016 be granted as unopposed. This is the second time that defendants have failed to either respond, or request an extension of time, to answer a motion made by plaintiff.<sup>1</sup>

Your Honor's Individual Rules state that Parties should follow Local Civil Rules 37.3 and 6.4 when litigating discovery motions. Local Civil Rule 37.3(c) states that Defendants, if they wished to oppose Plaintiff's motion, were permitted four days from receipt of Plaintiff's motion to submit a responsive letter. According to Local Civil Rule 6.4's guidance on the computation of time, at this writing eighteen (18) days have passed since Plaintiff filed his motion. Accordingly, Plaintiff requests that his motion be granted as unopposed.

Thank you for your kind consideration.

Respectfully submitted,

/s

Robert Marinelli

Att.

cc: Tobias Zimmerman, ACC (By ECF)

---

<sup>1</sup> On January 21, 2016 Plaintiff made an identical motion based on defendants' failure to respond to plaintiff's motion of January 8. When defendants finally responded on January 24, they failed to directly respond to any of plaintiff's requests.